Supreme Court, U.S.
FILED
04-434 JUL 20 2004
OFFICE OF T-

No. _____

In The
Supreme Court of The United States

LARRY R. WETZEL,
Petitioner,

v.

CITY OF FAIRVIEW HEIGHTS, ILLINOIS, TIMOTHY TOLLIVER, ED FRAWLEY, JR., PEOPLE OF THE STATE OF ILLINOIS, PEOPLE OF THE VILLAGE OF CASEYVILLE, ILLINOIS,
Respondents

On Petition for Writ of Certiorari
To the Illinois Supreme Court,
To the Illinois Appellate Court, Fifth District

PETITION FOR WRIT OF CERTIORARI

LARRY R. WETZEL,
pro se
8800 Maple St.
Suite B
Caseyville, IL 62232
(618) 398-7950

RECEIVED
SEP 28 2004
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED FOR REVIEW

A. Whether the Petitioner's Fifth and Fourteenth Amendment rights have been compromised and/or denied as a result of the inactions and/or decisions of the lower courts;

B. Whether the inactions and/or decisions by the lower courts denied, prohibited or otherwise prevented the Petitioner from obtaining proper redress for his claims;

C. Whether any actions or inactions by the lower courts subjected the Petitioner to restraints of his constitutionally guaranteed rights to due process, procedural due process and equal protection;

D. Whether the Petitioner has been wrongly convicted through use of an ex post facto state statute designated as "State Statute 9999999" and whether "State Statute 9999999" is unconstitutional;

E. Whether the Petitioner was unjustly, and unconstitutionally, barred from pleading in the district court;

F. Whether the enforcement of "State Statute 9999999" is a direct reprisal for the filing of an original action in the state court;

G. Whether the Illinois Supreme Court had a duty or obligation to validate or discredit the existence of "State Statute 9999999" upon request by the Petitioner.

PARTIES TO THE PROCEEDING AND CORPORATE DISCLOSURE STATEMENT

Petitioner is Larry R. Wetzel. Respondents are the City of Fairview Heights, Illinois; Timothy Tolliver; Ed Frawley, Jr.; the People of the State of Illinois; and the people of the Village of Caseyville.

The Petitioner is not a corporation.

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The May 10, 2004 Order of the Illinois Supreme Court denying certification of state law is reproduced at App. 1a. The Illinois Supreme Court's December 16, 2003 Orders denying the petitioner relief are reproduced at App. 16a, 17a, 18a. The Illinois Supreme Court Order dated March 9, 2004 terminating the cause is reproduced at App. 21a.

The October 10, 2003 Temporary Restraining Order issued by the Twentieth Judicial Circuit Court of St. Clair County, Illinois (circuit court) is reproduced at App. 8a. The October 15, 2003 letter of filing of an emergency appeal from the Illinois Appellate Court, Fifth District is reproduced at App. 10a. The circuit court's October 20, 2003 Preliminary Injunction Order is reproduced at App. 11a and the Illinois Appellate Court, Fifth District's October 29, 2003 Order rejecting the emergency appeal is reproduced at App. 12a.

No opinions have been written in any of the cases involved herein.

STATEMENT OF JURISDICTION

The Illinois Supreme Court made its final determination in terminating the Petitioner's request for certification of state law on May 10, 2004. Additionally, the petitioner's claims of deprivation of property and deprivation of his constitutional rights have never been adjudicated by any court. This petition for a writ of certiorari is timely pursuant to Supreme Court Rule 13, in that the Petitioner has filed within 90 days of May 10, 2004.

This Court has jurisdiction pursuant to 28 U.S.C. Section 1257 in that Petitioner seeks review of 1) the *ex post facto* "State Statute 9999999", and its enforcement; 2) the deprivation of property through an illegal taking; 3) due process and equal protection violations; and 4) the

inaction of the lower courts on constitutional questions as they are repugnant to the Constitution of the State of Illinois as well as the Constitution of the United States.

This Court has jurisdiction pursuant to 28 U.S.C. Section 1651 in that the United States Supreme Court may issue all writs necessary or appropriate.

28 U.S.C. Section 2403(b) may apply in that the State of Illinois was not originally a party to any claim but that the constitutionality of "State Statute 9999999" was called into question. This petition shall be served upon the Attorney General of Illinois. Additionally, regarding Supreme Court Rule 29.4(c), no court so informed of the question of constitutionality and/or validity of "State Statute 9999999" made the appropriate certification to the Illinois Attorney General regarding the question of "State Statute 9999999".

This Court has jurisdiction pursuant to the Fifth and Fourteenth Amendments to the Constitution of the United States in that no person shall be deprived of life, liberty and property without due process of law.

This Court has jurisdiction as provided in: a) its *Parratt v. Taylor* decision regarding an unconstitutional deprivation of property (*Parratt v. Taylor*, 451 U.S. 527 (1981)); b) its Lucas decision by the takings clause (*Lucas v. South Carolina Coastal Council*, 505 US 1003, 1004 (1992)); the U.S.C.A. 7th court's equal protections clause in its Olech decision (*Olech v. Willowbrook*, No. 982235).

PROVISIONS INVOLVED

This Petition in part involves the application of 28 U.S.C. Sec. 1257(a), the Fifth and Fourteenth Amendments to the Constitution of the United States, Article 1 and Article VI of the Constitution of the State of Illinois.

28 U.S.C. Sec. 1257(a) provides:

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity

of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

Fifth Amendment to the Constitution of the United States provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Section 1 of the Fourteenth Amendment to the Constitution of the United States provides:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2 of Article I of the Constitution of the State of Illinois provides:

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

Section 12 of Article I of the Constitution of the State of Illinois provides:

Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law, freely, completely, and promptly.

Section 16 of Article I of the Constitution of the State of Illinois provides:

No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed.

Section 4(a) of Article VI of the Constitution of the State of Illinois provides:

The Supreme Court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition or habeas corpus and as may be necessary to the complete determination of any case on review.

STATEMENT OF THE CASE

I. Overview of the Case

In the case against Respondents City of Fairview Heights (City), Timothy Tolliver and Ed Frawley, Jr. (first case), the circuit court dismissed for want of prosecution on July 17, 2003. Although the dismissal itself is not appealable, the court never addressed the Petitioner's claims of constitutional violations, deprivation and illegal taking of his property claimed prior to and including the original complaint and continuing throughout the duration of that cause.

In the case against the Respondents People of the State of Illinois and People of the Village of Caseyville, Illinois (second case), the Illinois Supreme Court terminated the Petitioner's request for certification of State law. "State Statute 9999999" was deemed nonexistent and an *ex post facto* law by the Petitioner

thereby necessitating certification. The alleged statute violated the Petitioner's constitutional rights of due process and equal protection, not only through its use but also as an act of double-jeopardy through illegal conversions. No certification has been had and the courts have never addressed the Petitioner's claims of constitutional violations.

II. Background of the Case

In the first case, Petitioner brought action in order to seek redress for, *inter alia*, deprivation of his property through an illegal taking by the City of Fairview Heights (Original Complaint, pp. 13-14; Second Amended Complaint, pp. 1-49). From prior to, and including, the original complaint (see newspaper article, App. 2a) and continuing throughout the duration of that case in state court the Petitioner complained of constitutional violations. No actions were taken by the court on the constitutional violation claims (Appellate Court Docketing Statement, p 3). The Petitioner appealed the cause to the state appellate level (App. 10a) after the Respondents filed and received an emergency temporary restraining order (App. 8a) and preliminary injunction against the Petitioner. The Petitioner had also brought the case before the state Supreme Court (Supreme Court Docketing Statement) and the United States District Court for the Southern District of Illinois. Each instance remanded the case to state court.

The Petitioner then brought an original action to the United States District Court for the Southern District of Illinois (district court) for, *inter alia*, civil rights and constitutional rights violations (Original Complaint; Amended Complaint). Prior to termination of the case on August 3, 2004, the Petitioner was unconstitutionally barred by the district court from filing any further pleadings, including amending his complaint (Transcript and Order). As a result of the district court's bar and order, the Petitioner's common law record originally submitted by him was returned to him but without the

certification from the state court. The Petitioner requested, and has received, a copy of said certification.

The second cause was brought by the Respondent Village of Caseyville, Illinois against the Petitioner under a name that was neither his nor an alias of his, originally for an alleged municipal ordinance .492.779.2 violation (ticket number 0501520) (General Denial). The constitutional questions arose when, after the Petitioner pleading "not guilty" to the allegations and without any proper notice or service, the Respondent Village of Caseyville was converted to The People of Illinois (October 4, 2002 Order; "Motion to Strike Plaintiffs/Counterdefendants' Complaint") and the ordinance violation was converted to a "State Statute 9999999" violation (October 4, 2002 Order). Both actions present a danger to the Petitioner of double-jeopardy.

The Petitioner immediately brought the procedural due process violations and double jeopardy claim, as well as the violations of the Fifth and Fourteenth Amendments, to the attention of the court. The court chose inaction on his claims. The Petitioner appealed to the Illinois Appellate Court more than once, appealed to the United States Court of Appeals, Seventh Circuit, more than once, removed the cause to the United States District Court more than once, brought the cause to the Illinois Supreme court which denied the petition to certify a question of state law (App. 1a), and attempted to bring the cause to this Court. In each and every instance the Petitioner raised the question of constitutional violations and in each and every instance the questions were ignored or dismissed with no decision. For the Petitioner's last attempt to seek appellate review, the common law record was unable to be procured because it was "locked in the vault". Once the record was made available, and upon submission to the appellate court, the record was substantially different than was originally filed.

The cause was then remanded to state court solely for determination of what the proper record was supposed to

be and returned to the appellate court, which was never done. Only a portion of the record is available to the Petitioner. The remaining portion is not obtainable by the Petitioner through conventional means and the Petitioner is barred from requesting the record.

III. Proceedings Below

In the first case, Petitioner filed suit against the City, Tolliver and Frawley in the circuit court alleging, *inter alia*, that the Petitioner's property was taken through an illegal taking causing deprivation. The Petitioner set about a course of trying to prove the constitutional violations and the arbitrary and confiscatory ordinances that precluded his ability to retain the property.

On July 17, 2003 the circuit court closed the Petitioner's case on a dismissal for want of prosecution without ever having addressed the Petitioner's claims of deprivation of property, illegal taking of property, deprivation of due process and equal protection, and the arbitrary and confiscatory decisions in his requests for equal treatment.

The Respondents filed for, and were granted, an emergency temporary restraining order on October 10, 2003 (App. 8a). Petitioner immediately filed an emergency appeal of the temporary restraining order pursuant to Illinois Supreme Court Rule 307 (App. 10a). On October 20, 2003, the circuit court entered a preliminary injunction (App. 11a). The Appellate Court dismissed the Petitioner's appeal claiming lack of time, a claim that was erroneously made and had a direct impact to the subsequent proceedings.

The Petitioner then filed an original action in the district court again alleging the constitutional violations that were never addressed by the state courts. The district court terminated the case on August 3, 2004 without addressing any of the constitutional and civil rights claims by the Petitioner.

In the second case, Petitioner was cited by the Village of Caseyville for allegedly violating municipal ordinance .492.779.2. As an additional complication, the Petitioner was not cited by the Village of Caseyville's enforcement officer properly. The name the Petitioner is known as and the name on the citation were different and the cited name was not an alias of the Petitioner. Petitioner made the circuit court aware of the errors yet no action was made to correct the errors properly.

The matter was further complicated when, after pleading not guilty to the charges, the Village of Caseyville was converted to the People of the State of Illinois, the municipal ordinance was converted to a "State Statute 9999999—inoperable motor vehicle" and corporate attorneys were allowed by the circuit court judge to appear as state's attorneys without proper designation.

The petitioner asked the Illinois Supreme Court for a certification of "State Statute 9999999". The Supreme Court could not give the Petitioner such certification and, after asking for a rehearing, the Supreme Court of Illinois denied the Petitioner a rehearing (App. 1a).

Neither case involved herein has sufficiently addressed the redress and remedies the Petitioner has put forth.

REASONS FOR GRANTING THE PETITION

Exceptional circumstances warrant the exercise of this Court's discretionary powers and adequate relief is heretofore unobtainable in any other form in any other court. The United States District Court, as well as the lower state courts, either decided on matters that violate federal and state laws and statutes, avoided deciding matters that directly involved questions of federal law and/or state law, or both. These failures and abuses call for an exercise of this Court's supervisory powers.

The arbitrary and confiscatory denials of the Petitioner's requests to use his property to its highest and best use, and subsequent loss of that property as a result, constituted an illegal taking by the City of Fairview Heights. The illegal taking is a deprivation of property and is unconstitutional.

The denial of redress for deprivation of the Petitioner's property was a direct violation of his rights guaranteed in the Constitution of the State of Illinois and the Constitution of the United States. Accordingly, the denial of equal protection caused the deprivation of the Petitioner's property and caused the denial of redress.

The conversions of parties and charges without proper notice and service are direct violations of Illinois statutes, Illinois Supreme Court Rules, the Illinois Constitution, the United States Constitution, and United States Codes. Additionally, the conversions create a "double-jeopardy" issue and violate procedural due process.

"State Statute 9999999" does not exist. Conviction under such a *faux* statute is a restraint of equal protection and violates due process and is also a restraint of the Petitioner's freedom.

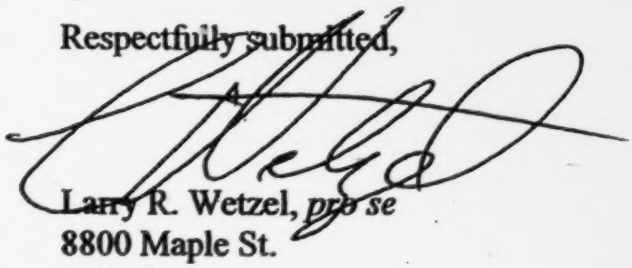
As used, "State Statute 9999999" is an ex post facto "law" and is designed to increase penalties to a larger sum of money or imprisonment; "State Statute 9999999" is a blanket charge that can be, and has been, applied in various instances such as "Inoperable Motor Vehicles" and "Illegal Dumping"; and "State Statute 9999999" is unconstitutional.

CONCLUSION

For these reasons, this Court should review any of the involved cases *de novo* and should, therefore, grant *certiorari* under these special circumstances for the Petitioner's inability to obtain redress in the lower courts and for the constitutional questions and violations each of these actions have raised. This Court should grant *certiorari* since the lower courts are unwilling or unable to address the constitutional questions and violations

brought forth by the Petitioner. This Court should grant *certiorari* because the public's interest is at stake.

Respectfully submitted,



Larry R. Wetzel, *pro se*
8800 Maple St.
Suite B
Caseyville, IL 62232

APPENDIX A

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

May 10, 2004

Mr. Larry R. Wetzel
8800 Maple Avenue
Suite B
Caseyville, IL 62232

TODAY THE FOLLOWING ORDER WAS ENTERED:

No. 98252 – People State of Illinois et al., appellees, v. Larry R. Wetzel, appellant.

Motion by appellant, pro se, for leave to file a petition to certify a question of law. Motion denied.

Order entered by Justice Rarick.

cc: State's Attorney St. Clair County

APPENDIX B

Belleville News-Democrat

March 29, 2001
(Reprint of article in Local News)

Businessman fights Fairview City Hall with signs claiming unfair treatment

By David Van Den Berg

FAIRVIEW HEIGHTS—A Caseyville business owner who feels he has been driven out of Fairview Heights and unfairly targeted by Ward 1 Alderman Dennis Baricevic displayed signs that denounced Baricevic on Wednesday at City Hall.

Larry Wetzel parked his pickup truck across the street from City Hall near Baricevic's home. On an empty horse trailer attached to the truck, Wetzel displayed a sign saying "Dennis and John Baricevic—Is this Nazi Germany?" On his pickup truck, Wetzel had signs saying "Remove Dennis Baricevic" and "No more selective enforcement."

Wetzel thinks Dennis Baricevic had city officials prevent him from developing land for a business and barred him from keeping animals such as rabbits at his home. He operates the Caseyville Vehicle Doctor.

Wetzel said many of the violations he was cited for were committed by nearby property owners, yet they were not punished. He said he was protesting to prevent the same from happening to anyone else.

"I'm here to represent the people that cannot stand for themselves," he said. "I feel for all people."

Dennis Baricevic said, "I don't know why he has a concern with me over something the city did. It's a free country, and we can't stop him from protesting."

John Baricevic, the St. Clair County Board chairman, is Dennis Baricevic's brother.

Wetzel also said he was going to stage a larger protest this morning at City Hall. He said it would feature pickets, a horse-drawn carriage and, weather permitting, an airplane dragging banners denouncing Dennis Baricevic.

APPENDIX C

IN THE CIRCUIT COURT FOR THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

LARRY R. WETZEL, pro se, Plaintiff	)	
vs.	)	Case No.: 01-L-0624
TIMOTHY TOLLIVER, et al Defendants.	)	Filed 03 June 16

CERTIFIED COPY OF JUDGMENT

I, LARRY R. WETZEL, the undersigned, certify that the above-styled cause was filed against the Defendants, **Timothy Tolliver, *et al*,** for an illegal taking of my property, among other claims. See attachments.

The circuit clerk of the Twentieth Judicial Circuit Court, St. Clair County, Illinois, did certify that on May 2, A.D. 2003, a Judgment was entered by said clerk as follows: Judgment AGAINST Timothy Tolliver, *et al*, last known address: 10025 Bunkum Road, Fairview Heights, St. Clair County, Illinois, 62208. Amount Sixteen Million Dollars and no Cents against, but not limited to, the real property described as PP# 03-29.0-200-021 Lot/Sec-29-SUBL/TWP 2N BLK/RG-8W; PP# 03-29.0-200-022 PT NW1/4 NE1/4 AS IN BK 2434-1079 (INP

ON CITY OWNED PROPERTY); PP#03-29.0-200-002

LEASEHOLD ON PT NW1/4 NE1/4 3 in A01482092,

commonly known as 10025 Bunkum Road, Fairview Heights,

St. Clair County, Illinois. In favor of LARRY R. WETZEL

Court Case Number 01-L-0624.

Respectfully submitted this 16 day of June, A.D. 2003 by

s/ Larry Wetzel

Larry R. Wetzel
8800 Maple Ave.
Suite B
Caseyville, IL 62232

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the following party to the above cause by enclosing same into an envelope addressed to such party's address, with postage prepaid, and depositing same into a U.S. Post Office mail box in Caseyville, IL on the 16th day of June, 2003:

Michael Nester,
Donovan, Rose, Nester & Joley, P.C.
8 East Washington Street
Belleville, IL 62220

s/ Larry Wetzel

APPENDIX D

(Circuit Clerk's Office Register of Actions Twentieth Judicial Circuit Court in Case Number 01-L-0624—Wetzel v. Tolliver, et al)

Case Information

Filing Date	07 14 2003
Case Status	CLOSED
Judge	HON. JAN V. FISS
Status Date	07 14 2003

(Activity in 01-L-0624 after July 14, 2003)

10-14-2003	DOC:AMENDMENT
10-20-2003	ORD:ORDER
10-23-2003	MOT:MOTION
10-31-2003	DOC:MANDATE FROM APPELLATE CT
11-03-2003	DOC:PROOF OF FILING

APPENDIX E

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

LARRY R. WETZEL, pro se, Plaintiff	)	
vs.	)	Case No.: 01-L-0624
TIMOTHY TOLLIVER, Defendant.	)	Filed OCT 10 2003

TEMPORARY RESTRAINING ORDER

This matter comes before the Court on Defendant's Motion for Temporary Restraining Order pursuant to section 11-101 of the Illinois Code of Civil Procedure (735 ILCS 5/11-101), without notice and hearing, the Court, being fully advised in the premises, finds as follows:

1. On July 14, 2003, this Court dismissed this case for want of prosecution.

2. Thereafter, Plaintiff has continued to file a litany of nonsensical pleadings and documents, including but not limited to misrepresentations of purported proceedings concerning a nonexistent default judgment, the most recent of which is an alleged wage garnishment proceeding and a variety of improper liens. Indeed, contrary to Plaintiff's misrepresentations, this Court has never entered judgment, default or otherwise, in Plaintiff's favor in this matter.

3. Defendant has the right to be free from harassment, and further has no adequate remedy at law concerning such improper and nonsensical filings in that same are interfering with Plaintiff's personal and professional life.

4. Defendant will suffer irreparable harm if such

improper and nonsensical filings are not stricken and Defendant is not further restrained from any such future filings until this Court conducts a hearing on same. This matter requires immediate relief without notice and a hearing in that Defendant's personal and professional life has already been irreparably harmed by Plaintiff's improper actions.

5. Clearly, none of the matters filed by Plaintiff since this Court's July 14, 2003 dismissal are well-grounded in fact and/or law, or filed in good faith; rather, each is evidently filed for improper and vexatious purposes, including but not limited to harassment and the needless increase in litigation costs.

IT IS THEREFORE ORDERED THAT Defendant's Motion for Temporary Restraining order is hereby GRANTED, each of the matters filed by the Plaintiff since this Court's July 14, 2003 dismissal is hereby STRICKEN, and Plaintiff is further RESTRAINED AND ENJOINED from any such future filings until this Court conducts a hearing on the matter within the next ten (10) days. This Temporary Restraining Order shall remain in effect until 12:00 p.m. on Monday October 20, 2003.

DATE Oct 10, 2003

TIME 3:05 P.M.

ENTER

s/ Jan Fiss
Honorable Jan V. Fiss
Chief Circuit Judge

APPENDIX F

STATE OF ILLINOIS APPELLATE COURT
FIFTH DISTRICT
14TH & MAIN STREETS
P.O. BOX 867
MT. VERNON, IL 62864-0018

October 15, 2003

Larry R. Wetzel
8800 Maple Street, Suite B
Caseyville IL 62232

Re: Wetzel v. Tolliver, et al.
Appellate Court No. 5-03-0638
St. Clair County No. 01-L-624

Dear Appellant:

Please be advised the Petition for leave to Appeal pursuant to Supreme Court Rule 307(d) on behalf of Plaintiff-Petitioner, Larry R. Wetzel, with attached Supporting Record (1v. with each PLA) and Memorandum of Law were received and filed in this office today together with Proof of Service.

This case has been assigned No.: 5-03-0638.

Thank you for your money order in the amount of $25.00 for payment of Petitioner's filing fee in the above cause.

Please be advised that all notices of this Court will be sent to the above named party at the above referenced address. If this is incorrect or if you desire notices to be served at a different address in the future, please advise in writing.

Very truly yours,
s/ Louis E. Costa
Louis E. Costa, Clerk

LEC/srm
cc: Hon. C. Barney Metz—St. Clair County Circuit Clerk

APPENDIX G

State of Illinois
IN THE TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, BELLEVILLE, ILLINOIS

LARRY R. WETZEL, pro se, Plaintiff	)	
vs.	)	Case No.: 01-L-0624
TIMOTHY TOLLIVER, Defendant.	)	Filed OCT 20 2003

ORDER

This cause coming before the Court; the court being fully advised in the premises and having jurisdiction of the subject matter;

The Court finds: Matter called for hearing on all pending motions filed by Defendant; Defendant appears; Plaintiff fails to appear despite notice;

IT IS THEREFORE ORDERED:

- With due notice and hearing, this Court's Temporary Restraining Order dated October 10, 2003 shall remain in full force and effect until further order of this Court;
- The Court further finds as follows:
    1. Contrary to Plaintiff's misrepresentations, this Court has never entered judgment in Plaintiff's favor in this matter; and
    2. Plaintiff's claims were dismissed for want of prosecution on July 14, 2003;
- Accordingly, any and all purported judgment liens asserted by Plaintiff against Timothy Tolliver, Ed Frawley, City of Fairview Heights, Robert Becker, Becker, Paulson, Hoerner & Thompson, PC, and Mike Nester are hereby extinguished as invalid.

- **Defendant's Motion for Sanctions is hereby granted; Plaintiff is ordered to pay Defendant's reasonable attorney's fees and costs associated with this matter; Defense counsel to submit Affidavit of Attorney's fees & costs w/in 30 days.**

Jan V. Fiss—Judge

APPENDIX H

NO. 5-03-0638

IN THE APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT

LARRY R. WETZEL, pro se, Plaintiff	)	Appeal from the Circuit Court of St. Clair County No. 01-L-624
vs.	)	
TIMOTHY TOLLIVER, et. al., Defendants.	)	Filed OCT 29 2003

ORDER

This cause coming on to be heard on the court's own motion, and the court being fully advised in the premises, finds:

That Larry R. Wetzel, pro se, petitioned this court as a matter of right pursuant to Supreme Court Rule 307(d) (188 Ill.2d R. 307(d)) for interlocutory review of a temporary restraining order (TRO) entered on October 10, 2003, by the circuit court of St. Clair County striking "a litany of nonsensical pleadings and documents" filed by plaintiff and enjoining him from "any such future filings" until the court conducts a hearing on the matter within the next ten days. The circuit court extended the TRO until 12:00 p.m. on Monday, October 20, 2003;

That by the time the notice of appeal from the TRO in this case reached this court (because of the weekend and the Columbus Day holiday), there was no time to grant effectual relief to any of the parties. Moreover, a preliminary injunction was issued on October 20, 2003, and it superseded the TRO, which would make the TRO moot even if its term had not expired. The propriety of the issuance of the TRO in this case became moot once the TRO was no longer in existence.

IT IS THEREFORE ORDERED that the appeal in the above-entitled matter be, and the same hereby is, DISMISSED as moot.

APPENDIX I

STATE OF ILLINOIS
DEPARTMENT OF INSURANCE
320 WEST WASHINGTON STREET
SPRINGFIELD, ILLINOIS 62767-0001

November 25, 2003

St. Paul Fire and Marine Insurance Company
385 Washington Street
St. Paul, MN 55102

Re: Case #01L624

Gentlemen:

Enclosed please find copy of Certified Copy of Judgment, Notice of Lien and Certified Lien and Default Judgment for Attachment and Garnishment received by me as your agent for service of process on November 17, 2003, in my Springfield office in the case of Larry Wetzel, pro se, vs. your company, et al.

The plaintiff's attorney mailed the summons to this Department and, as required under the provisions of Section 112 of the Illinois Insurance Code, we are forwarding it to you.

Sincerely,

J. Anthony Clark
Director

JAC:EMC:alt
Enclosure

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

APPENDIX J

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

December 16, 2003

Mr. Larry R. Wetzel
8800 Maple Avenue
Suite B
Caseyville, IL 62232

In re: Larry R. Wetzel, petitioner, v. Timothy Tolliver et al., respondents.
No. 97315

Today the following order was entered in the captioned case:

Motion by petitioner, pro se, for this Court to vacate orders entered in the Circuit Court of St. Clair County on November 21, 2003, in Wetzel v. Tolliver et al., No. 01 L 0624. Motion Denied.

Order entered by the Court.

Very truly yours,

Juleann Hornyak
Clerk of the Supreme Court

cc: Mr. Michael Nester
Mr. Bob Becker

APPENDIX K

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

December 16, 2003

Mr. Larry R. Wetzel
8800 Maple Avenue
Suite B
Caseyville, IL 62232

In re: Larry R. Wetzel, petitioner, v. Timothy Tolliver et al., respondents.
No. 97315

Today the following order was entered in the captioned case:

Motion by petitioner, pro se, for an order directing the Appellate Court, Fifth District, to vacate the order entered on November 14, 2003, in Tolliver et al. v. Wetzel; case No. 5-03-0638. Motion Denied.

Order entered by the Court.

Very truly yours,

Juleann Hornyak
Clerk of the Supreme Court

cc: Mr. Michael Nester
Mr. Bob Becker

APPENDIX L

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

December 16, 2003

Mr. Larry R. Wetzel
8800 Maple Avenue
Suite B
Caseyville, IL 62232

In re: Larry R. Wetzel, petitioner, v. Timothy Tolliver et al., respondents.
No. 97315

Today the following order was entered in the captioned case:

Emergency motion by petitioner, pro se, to stay proceedings in the Circuit Court of St. Clair County in Wetzel v. Tolliver et al., No. 01 L 0624, and Appellate Court, Fifth District, in Wetzel v. Tolliver et al., No. 5-03-0638, and emergency motion to vacate the order entered on November 17, 2003, in the Circuit Court St. Clair County in Wetzel v. Tolliver et al., No. 01 L 0624. Motion Denied.

Order entered by the Court.

Very truly yours,

Juleann Hornyak
Clerk of the Supreme Court

cc: Mr. Michael Nester
Mr. Bob Becker

APPENDIX M

APPEAL TO THE APPELLATE COURT OF ILLINOIS
FIFTH DISTRICT
FROM THE CIRCUIT CLERK OF THE
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY

CIRCUIT COURT NO.__01-1-0624
TRIAL JUDGE.__HON. JAN FISS
REVIEWING COURT NO.__5-04-0086

CERTIFICATION OF RECORD

The Record has been prepared and certified in the form required for transmission to the reviewing court. It consists of:

__0__ Volume/s of Report of Proceedings

__22__ Volume/s of Common Law Record

2 envelopes 1 box_ Volume/s of Description of Exhibits

_____

Notice of appeal heretofore filed in my office.

Kindly acknowledge receipt of this record on the attached copy of this letter.

I do further certify that this certification of the record pursuant to Supreme Court Rule 325, issued out of my office this __26__ day of __FEBRUARY__ 20_04_.

C. Barney Metz
Clerk of the Circuit Court

Received this above record this___day of
_____20___.

APPENDIX N

CERTIFICATION COPY-WITH JUDGE'S VERIFICATION

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR) Filed MAR 09 2004

I, __C. Barney Metz__, Clerk of the Circuit Court in and for said County, in the State aforesaid, do hereby certify the foregoing to be a true, perfect and complete copy of __02-OV-2706__.

Dated__March 10th__, 20_04_
__C. Barney Metz__
(Clerk of the Circuit Court)

By:__ROSEMARY LANTZ__
(Deputy)

(Seal of Court)

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR)

I, __JOHN GOODWIN__, Judge of the Circuit Court of said County, do hereby certify that __C. Barney Metz__ whose name is subscribed to the foregoing Certificate of Attestation, now is, and was at the time of signing and sealing the same, Clerk of the Circuit Court of St. Clair County aforesaid, and keeper of the Records and Seal thereof, duly elected and qualified to office; that full faith and credit are and of right ought to be given to all his official acts as such in all Courts of Record and elsewhere; and that his said attestation is in due form of law, and by the proper officer.

__John Goodwin__
Judge

(Seal of Court)

STATE OF ILLINOIS)
COUNTY OF ST. CLAIR)

I, __C. Barney Metz__ Clerk of the Circuit Court in and for said County, in the State aforesaid, do hereby certify that __JOHN GOODWIN__, whose genuine signature appears to the foregoing certificate, was at the time of signing the same, Judge of the Circuit Court of said County duly commissioned and qualified; that full faith and credit are and of right ought to be given to all his official acts as such in all Courts of Records and elsewhere.

Dated__March 10th__, 20_04_
__C. Barney Metz__
(Clerk of the Circuit Court)

By:__ROSEMARY LANTZ__
(Deputy)

(Seal of Court)

APPENDIX O

SUPREME COURT OF ILLINOIS
SUPREME COURT BUILDING
SPRINGFIELD 62701

December 16, 2003

Mr. Larry R. Wetzel
8800 Maple Avenue
Suite B
Caseyville, IL 62232

TODAY THE FOLLOWING ORDER WAS ENTERED:

No. 97315 – Larry R. Wetzel, petitioner, v. Timothy Tolliver et al., respondents.

Motion by petitioner, pro se, for leave to file a motion for reconsideration of the order denying petition for appeal as a matter of right. Motion denied.

Order entered by the Court.

Mandate has issued forthwith to the Appellate Court, Fifth District.

cc: Mr. Michael Nester
Mr. Bob Becker

APPENDIX P

C. BARNEY METZ
Clerk of the Circuit Court
St. Clair County, Illinois
10 Public Square, Suite A-315
Belleville, Illinois 62220

March 10, 2004

Larry Wetzel
8800 Maple Avenue
Suite B
Caseyville, IL 62232

Re: F.O.I. Request of February 18, 2004

Dear Mr. Wetzel:

This office denies your request filed pursuant to the Federal Freedom of Information Act. The St. Clair County Clerk is not an agency of the United States Government and thus the Act does not apply to this office.

Sincerely,
Debbie DeRousse
Supervisor of Traffic and
Misdemeanor Division
St. Clair Co. Circuit Clerks Office